

had been shipped in interstate commerce on or about December 7, 1931, by the Painallay Co., from Kansas City, Mo., to Little Rock, Ark., and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted of cresol (1 per cent), small proportions of glycerin and saccharin, and water (98 per cent).

It was alleged in the libel that the article was misbranded in that the following statements regarding its curative and therapeutic effects, appearing in the labeling, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: "Painallay \* \* \* For Mouth and Throat A Scientific \* \* \* Anodyne Relieves Pain and Heals Beneficial in the treatment of \* \* \* Pyorrhea Trench Mouth or Vincent's, Tonsillitis, etc. \* \* \* Painallay a preparation beneficially efficient in the treatment of Mouth and Throat infections and as a general prophylactic. It \* \* \* (healing) and relieves pain. As a Daily Mouth Wash and Gargle it promotes a healthy condition to the tissues by destroying bacteria. Directions For all mouth and throat infections \* \* \* Painallay is exceedingly beneficial in the treatment of the following and other infections to give relief from pain \* \* \* Pyorrhea and Inflamed Gums—Use full strength several times a day, slushing well between the teeth for 3 or 4 minutes. Dilute to a weaker solution as case improves. \* \* \* Vincent's or Trench Mouth—Follow directions as for pyorrhea. \* \* \* continue indefinitely even after case seems apparently cured. Extractions—After removal of teeth \* \* \* keep out infection. \* \* \* Sores—Saturate gauze or cotton and bandage on wound."

On July 6, 1932, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

HENRY A. WALLACE, *Secretary of Agriculture.*

**19861. Adulteration and misbranding of quinine sulphate capsules, cinchophen tablets, blaud and strychnin capsules, and Special Rx tablets. U. S. v. Llewellyn Laboratories (Inc.). Plea of guilty. Fine, \$200. (F. & D. No. 27499. I. S. Nos. 15621, 15625, 28072, 28074.)**

This action was based on the interstate shipment of quantities of drug capsules and tablets, samples of which were found to contain smaller amounts of certain of the essential drugs than declared on the labels.

On May 2, 1932, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Llewellyn Laboratories (Inc.), trading at Philadelphia, Pa., alleging shipment by said company, in violation of the food and drugs act, of quantities of drug capsules and tablets that were adulterated and misbranded. The information charged shipment by the defendant company from the State of Pennsylvania into the State of New Jersey, of a quantity of quinine sulphate capsules and a quantity of cinchophen tablets, sometime in the month of August, 1929, of a quantity of blaud and strychnia capsules on or about August 28, 1930, and of a quantity of Special Rx tablets, on or about December 1, 1930. The articles were labeled in part: "Capsules Quinine Sulphate 2 Grs. Llewellyn Laboratories, Inc. Philadelphia, Pa.;" "Cinchophen 5 grs. \* \* \* Llewellyn Laboratories, Inc.;" "Blaud & Strychnia \* \* \* Strychnia Sulph. 1-60 Gr. \* \* \* Acid Arsenous 1-50 gr. \* \* \* capsule \* \* \* Llewellyn Inc.;" "Tablets Special Rx Phenacetin 3½ Grs. \* \* \* Llewellyn Laboratories, Inc."

Adulteration of the articles was alleged in the information for the reason that their strength and purity fell below the professed standard and quality under which they were sold, as follows: Each of the quinine sulphate capsules was represented to contain 2 grains of quinine sulphate, whereas each of said capsules contained not more than 1.099 grains of quinine sulphate; each of the cinchophen tablets was represented to contain 5 grains of cinchophen, whereas each of said tablets contained not more than 3.365 grains of cinchophen; each of said blaud and strychnia capsules was represented to contain 1-60 grain of strychnine sulphate, and 1/50 grain of arsenous acid, whereas each of said capsules contained less strychnine sulphate and less arsenous acid than so represented, to wit, not more than 0.0124 grain of strychnine sulphate and 0.015 grain of arsenous acid; and each of said Special Rx tablets was represented to contain 3½ grains of phenacetin, whereas each of said tablets contained not more than 2.703 grains of phenacetin.

Misbranding was alleged for the reason that the statements, "Capsules Quinine Sulphate 2 Grs.;" "Cincophen 5 grs.;" "Strychnine Sulph. 1-60 Gr. \* \* \* Acid Arsenous 1-50 gr. \* \* \* Capsule;" "Tablets \* \* \* Phenacetin 3½ Grs.;" borne on the labels of the respective products, were false and misleading, since the said statements represented that each of the tablets or capsules contained the amount of the said drug declared on the label, whereas each of said tablets or capsules contained a less amount of the said drug than so declared.

On July 14, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$200.

HENRY A. WALLACE, *Secretary of Agriculture.*

**19862. Adulteration and misbranding of Kentucky Carlsbad mineral water. U. S. v. 35 Cases, et al., of Kentucky Carlsbad Mineral Water. Default decree of condemnation, forfeiture, and destruction. (5699-A, 5709-A. F. & D. Nos. 28409, 28442.)**

This action involved two interstate shipments of mineral spring water, a part of which was described as "natural" water, and the remainder of which was described as "Fortified" water and labeled "Laxative" water. The latter consisted of mineral spring water to which large amounts of sodium sulphate had been added. The article was a food and a drug within the meaning of the law. Both kinds of water were labeled with unwarranted therapeutic and curative claims and both lots failed to declare the quantity of the contents as required by law. The labeling of the "Laxative" water as "Kentucky Carlsbad Mineral Water" was inapplicable to a product to which had been added large amounts of sodium sulphate and, furthermore, samples examined were found to contain approximately 300 times as much sodium sulphate as declared on the label. Samples of both lots were also found to contain a large number of bacteria of the coli-aerogenes group, indicating pollution with sewage.

On June 17, 1932, the United States attorney for the Southern District of Ohio, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid, libels praying seizure and condemnation of 35 cases and 19 cases, respectively, of the said Kentucky Carlsbad mineral water, remaining in the original unbroken packages at Cincinnati, Ohio, which had been transported by the Kentucky Carlsbad Mineral Water Co., from Dry Ridge, Ky., to Cincinnati, Ohio. The libels charged that the article was adulterated in violation of the food and drugs act.

On July 29, 1932, the United States attorney, at the request of this department, filed amended libels. The amended libels charged that the article had been shipped in interstate commerce on or about October 28, 1931, from Dry Ridge, Ky., to Cincinnati, Ohio, and that it was misbranded in violation of the food and drugs act as amended.

It was alleged in the original libels that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal and vegetable substance.

Misbranding of the article was alleged in the amended libels for the reason that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle label, "Laxative" water) "Sluggish kidneys \* \* \* rheumatism. Take from ½ to a full glass with a like amount of warm water at least one half hour before breakfast. Continue each morning according to needs;" (circular shipped with "Laxative" water) "Directions For Reducing. If you really want to reduce you can do so. You have proven that you have a great desire to become normal in weight because you have spent your hard earned money for this treatment. \* \* \* There are three ways to reduce—strenuous exercise—starving and by elimination. \* \* \* You can reduce with this treatment and at the same time eat the things you are accustomed to eating. \* \* \* it is suggested that you cut down somewhat on the fat producing foods, \* \* \* and other foods which you know are fattening. \* \* \* Do not starve yourself; eat a balanced ration, but not an excess of fattening foods. After you have reached the desired weight. \* \* \* at the first signs of gaining take a few days treatment. Your system will finally function until you will only need to watch your diet. Start this treatment by taking enough of the Laxative Water the first day to completely clean out your system. \* \* \* You will feel better than you have for a long while. You will have a wonderful complexion and again feel that life is worth living;" (blotters